

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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John Ellering, *et al.*,

Plaintiffs,

Civ. No. 10-1025 (RHK/LIB)  
**ORDER**

v.

Sellstate Realty Systems Network, Inc.,  
*et al.*,

Defendants.

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This matter is before the Court *sua sponte*.

As indicated in the Court's conference call with counsel earlier today, **IT IS ORDERED** that Defendants shall file a Motion to Strike Plaintiff's Reply to their Counterclaims, if any, on or before June 20, 2011. In the absence of such a Motion, the Court will deem Defendants to have conceded that their Motion for Default Judgment (Doc. No. 78) on the counterclaims is moot and will deny the Motion as such.

In addition, while the parties should continue briefing all of the claims at issue in the cross-Motions for Summary Judgment, at this juncture the Court intends to hear argument only with respect to Count VIII of Plaintiffs' First Amended Complaint. If, after the cross-Motions are fully briefed, the Court intends to entertain argument on the remaining claims, counsel will be so notified.

Dated: June 13, 2011

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge